

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

MICHAEL MOATES,

Plaintiff,

v.

STATE OF NORTH CAROLINA,  
STATE OF TEXAS, STATE OF  
VIRGINIA, AND STATE OF  
NEVADA,

Defendants.

**Civil Action No. 4:23-cv-00772-O-BP**

**STATE OF NORTH CAROLINA'S  
MOTION TO DISMISS**

NOW COMES Defendant State of North Carolina, by and through undersigned counsel, and hereby respectfully moves the Court to dismiss Plaintiff's Complaint against it in the above-captioned matter pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(2), 12(b)(5), and 12(b)(6). Plaintiff's Complaint should be dismissed because it is barred by the Eleventh Amendment to the United States Constitution; for improper service; because Plaintiff lacks standing; and for Plaintiff's failure to state a claim upon which relief can be granted.

In support of this motion, Defendant North Carolina relies on the factual grounds, arguments and legal authorities set forth in the accompanying brief.

Respectfully submitted this 22<sup>nd</sup> day of September 2023.

Respectfully submitted,

By: /s/ Scott R. Wiehle  
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**COUNSEL FOR  
STATE OF NORTH CAROLINA**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of September 2023, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will automatically serve electronic copies on all counsel of record, and served upon Plaintiff via electronic mail, as follows:

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*Pro se Plaintiff*

/s/ Scott R. Wiehle  
**Scott R. Wiehle**